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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

CASE NO. 2:18-cr-00252-JCM-VCF-2

**Plaintiff,**

VS.

NICHOLAS GARROTT,

Defendant.

**STIPULATION AND ORDER TO CONTINUE SENTENCING (FOURTH REQUEST)**

**IT IS HEREBY STIPULATED** by and between Nicholas Garrott, Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Clark Hill PLC and the Plaintiff, United States of America, by and through Nicholas Trutanich, United States Attorney, and Shaheen Torgoley, Assistant United States Attorney, that the Sentencing in the above-captioned matter, currently scheduled for December 18, 2020, at the hour of 11:00 a.m. be vacated and set to a date and time convenient to the Court but not earlier than ninety (90) days.

This Stipulation is entered into for the following reasons:

1. The parties need additional time to negotiate positions regarding sentencing.
  2. Pursuant to the COVID-19 update from the BOP, on December 7, 2020, the BOP has **124,610** federal inmates in BOP-managed institutions and **13,952** in community-based facilities. The staff complement of BOP is approximately **36,000**. There are **5,555** **federal inmates** and **1,613** **BOP staff** who have confirmed positive test results

1 for COVID-19 nationwide. There have been **151** federal inmate deaths and **2** BOP staff  
 2 member deaths attributed to COVID-19 disease.

3 3. Due to the current COVID-19 pandemic, Mr. Garrott seeks to protect his health and  
 4 safety by limiting his movement in and out of the Southern Nevada Detention facility to  
 5 decrease any risk of contracting the virus.

6 4. Additionally, Mr. Garrott has serious concerns regarding the pandemic and does not wish  
 7 to be designated to a BOP facility (or transported to a BOP facility) which will occur  
 8 upon sentencing until BOP has made strides to handle the current pandemic crisis.

9 5. Defendants Mr. Nicholas Garrott, has appeared in this case, and is in custody and, along  
 10 with the government, agrees to this short continuance.

11 6. The additional time requested herein is not sought for purposes of delay and the denial of  
 12 this request for a continuance could result in a miscarriage of justice.

13 7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing  
 14 hearing for good cause. Good cause exists in this case.

15 8. For all the above-stated reasons, the ends of justice would be best served by a short  
 16 continuance of the sentencing hearing.

17 9. This is the fourth request for a continuance of the sentencing hearing.

18 NICHOLAS TRUTANICH  
 19 UNITED STATES ATTORNEY  
 DISTRICT OF NEVADA

20 DATED this 8<sup>th</sup> day of December, 2020.

21 /s/Shaheen Torgoley  
 Shaheen Torgoley  
 22 Assistant United States Attorney  
 Attorneys for Plaintiff,  
 23 UNITED STATES OF AMERICA

CLARK HILL PLC

DATED this 7<sup>th</sup> day of December, 2020.

24 /s/Paola M. Armeni  
 PAOLA M. ARMENI  
 25 Attorney for Defendant,  
 26 NICHOLAS GARROTT

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**UNITED STATES DISTRICT COURT**

**UNITED STATES OF AMERICA,**

Plaintiff,

VS.

## NICHOLAS GARROTT,

Defendant.

CASE NO. 2:18-cr-00252-JCM-VCF-2

## **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10       Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
11      Court hereby finds that:

## **CONCLUSIONS OF LAW**

13       Based on the fact that counsel has agreed to a continuance, the Court hereby concludes  
14       that:

- 15 1. The parties need additional time to negotiate positions regarding sentencing.

16 2. Pursuant to the COVID-19 update from the BOP, on December 7, 2020, the BOP

17 has **124,610** federal inmates in BOP-managed institutions and **13,952** in community-

18 based facilities. The staff complement of BOP is approximately **36,000**. There are **5,555**

19 **federal inmates** and **1,613 BOP staff** who have confirmed positive test results

20 for COVID-19 nationwide. There have been **151** federal inmate deaths and **2** BOP staff

21 member deaths attributed to COVID-19 disease.

22 3. Due to the current COVID-19 pandemic, Mr. Garrott seeks to protect his health and

23 safety by limiting his movement in and out of the Southern Nevada Detention facility to

24 decrease any risk of contracting the virus.

25 4. Additionally, Mr. Garrott has serious concerns regarding the pandemic and does not wish

26 to be designated to a BOP facility (or transported to a BOP facility) which will occur

27 upon sentencing until BOP has made strides to handle the current pandemic crisis.

5. Defendants Mr. Nicholas Garrott, has appeared in this case, and is in custody and, along with the government, agrees to this short continuance.
  6. The additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.
  7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing hearing for good cause. Good cause exists in this case.
  8. For all the above-stated reasons, the ends of justice would be best served by a short continuance of the sentencing hearing.
  9. This is the fourth request for a continuance of the sentencing hearing.

## ORDER

11           **IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for  
12 December 18, 2020, at the hour of 11:00 a.m. is hereby vacated and continued to the 26th day  
13 of March, 2021, at the hour of 10:00 a.m., in  
14 Courtroom 6A.

15 DATED December 9, 2020.

**JAMES C. MAHAN  
UNITED STATES DISTRICT COURT JUDGE  
CASE NO.: 2:18-cr-00252-JCM-VCF-2**